Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVI] Trivandrum, Monday, 6th July 1981 / 15th Ashadha 1903 [No. 528

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 6339/LA4/81. *Dated, Trivandrum, 6th July* 1981.

The Kerala Private Forests (Vesting and Assignment) Amendment Bill, 1981 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/2382/MC.

Sixth Kerala Legislative Assembly

Bill No. 80

THE KERALA PRIVATE FORESTS (VESTING AND ASSIGNMENT) AMENDMENT BILL, 1981

A

BILL

further to amend the Kerala Private Forests (Vesting and Assignment) Act, 1971.

Preamble.—WHEREAS it is expedient further to amend the Kerala Private Forests (Vesting and Assignment) Act, 1971, for the purpose hereinafter appearing;

BE it enacted in the Thirty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Private Forests (Vesting and Assignment) Amendment Act, 1981.

(2) It shall be deemed to have come into force on the 9th day of June, 1981.

2. *Amendment of section* 8.—In section 8 of the Kerala Private Forests (Vesting and Assignment) Act, 1971 (26 of 1971) (hereinafter referred to as the principal Act), in sub-section (1), for the words "may apply to the Tribunal", the words "may, within such period as may be prescribed, apply in the Tribunal" shall be substituted.

3. *Repeal and saving.*—(1) The Kerala Private Forests (Vesting and Assignment) Amendment Ordinance, 1981 (4 of 1981), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 8 of the Kerala Private Forests (Vesting and Assignment) Act, 1971, provides that where any dispute arises as to whether any land is a private forests or not, or whether any private forest or portion thereof has vested in the Government or not, the person who claims that the land is not a private forest or that the private forest has not vested in the Government, may apply to the Tribunal constituted under section 7 of the said Act for decision of the dispute. According to sub-rule (1) of rule 3 of the Kerala Private Forests (Tribunal) Rules, 1972, an application under section 8 of the Act shall be presented to the Tribunal within sixty days from the date of publication of the notification under sub-rule (2) of rule 2A of the Kerala Private Forests (Vesting and Assignment) Rules, 1974, in respect of the land to which the dispute relates.

2. In the judgment in M.F.A. Nos. 211 and 219 of 1980, the High Court of Kerala has held that the period of limitation prescribed by rule 3 of the Kerala Private Forests (Tribunal) Rules, 1972, for filing an application under section 8 of the Kerala Private Forests (Vesting and Assignment) Act, is ultravires and void. The High Court has observed that section 17 of the Act which empowers the Government to make rules to carry out the purposes of the Act does not empower the delegated authority to prescribe a time limit for the presentation of an application under section 8. The implication of the above decision is that the Tribunal has to accept an application under section 8 of the Act whenever it is presented. It results in a strange situation that Government cannot take any steps to utilise any portion of the vested forest land, as a dispute may arise at any time. Further, the question whether an area attracts the provisions of the Kerala Private Forests (Vesting and Assignment) Act, 1971, on the appointed day, i.e., the 10th May, 1971, can be decided only if the dispute is decided within a reasonable period within which the nature of the land may not be changed. Therefore it was considered necessary to amend the Act to empower the Government to prescribe a time limit for filing applications under section 8 of the Act.

3. Since the Legislative Assembly was not in session and the matter was very urgent, the Kerala Private Forests (Vesting and Assignment) Amendment Ordinance, 1981 (4 of 1981) was promulgated by the Governor on the 5th day of June, 1981 to achieve the above object. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDINC DELEGATED LEGISLATION

Clause 2 of the Bill seeks to amend section 8 of the Kerala Private Forests (Vesting and Assignment) Act, 1971 for empowering the Government to prescribe a period within which applications may be filed before the Tribunal under that section. This is a matter of administrative and procedural nature. The delegation of Legislative power is, therefore, of a normal character.

ARYADAN MUHAMED.

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GOVERNMENT OF KERALA

Housing (J) Department

NOTIFICATION

G. O. MS. No. 58/81/Housing. *Dated, Trivandrum, 4th July* 1981.

S. R. O. No. 792/81.—Whereas the term of nomination of Shri V. V. Raghavan, a non-official member of the Kerala State Housing Board, made in Notification No. G. O. MS. 70/78/L&HD dated the 21st June, 1978 published as S.R.O. No. 584/78 in the Kerala Gazette Extraordinary No. 410 dated the 21st June, 1978 expired on 20th June 1981;

Now, therefore, in exercise of the powers conferred by section 4 read with sections 5 and 6 of the Kerala State Housing Board Act, 1971 (19 of 1971), the Government of Kerala hereby re-nominate Shri V. V. Raghavan, Chelat Lane, Trichur-4, to be a non-official member of the Kerala State Housing Board.

By order of the Governor,

K. C. SANKARANARAYANAN,
Special Secretary to Government.

33/2370/MC

Explanatory Note

(This note is not part of the notification but is intended to indicate its general purport).

The term of nomination of Shri V.V. Raghavan, a non-official member of the Kerala State Housing Board expires on 20-6-1981. It has been decided to nominate Shri V. V. Raghavan, Chelat Lane, Trichur-4 for another term of three years. This notification is intended to achieve the above purpose.

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GOVERNMENT OF KERALA

Health (G) Department

NOTIFICATIONS

No. 30458/G3/81/HD. *Dated, Trivandrum, 30th June* 1981.

I

S. R. O. No. 793/81.—In exercise of the powers conferred by sub-section (1) of section 9 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954), and in supersession of Notification I No. 22417/G3/79/HD dated the 21st May, 1979 published as S. R. O. No. 631/79 in the Kerala Gazette Extraordinary No. 400 dated the 6th June, 1979, the Government of Kerala hereby appoint Sri P. Krishnankutty Nair, Health Inspector Grade I, Corporation of Trivandrum to be Food Inspector for the purposes of the said Act and assign to him the area within the Trivandrum Corporation as the local area within which he shall exercise his powers under the said Act.

II

S. R. O. No. 794/81.—In exercise of the powers conferred by sub-section (1) of section 20 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954) and in supersession of Notification II No. 22417/G3/79/HD dated the 21st May, 1979, published as S.R.O. No. 632/79 in the Kerala

Gazette Extraordinary No. 400 dated the 6th June, 1979, the Government of Kerala hereby authorise Sri. P. Krishnankutty Nair, appointed as Food Inspector under sub-section (1) of section 9 of the Act in the Trivandrum Corporation to institute prosecutions for offences under the said Act.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Sri P. Krishnankutty Nair, Food Inspector has been transferred and posted as Food Inspector, Trivandrum Corporation. It is necessary to appoint him as Food Inspector for purposes of the Prevention of Food Adulteration Act and to authorise him to institute prosecution under the Act. The notifications are for the above purpose.

By order of the Governor,

K. Srinivasan,
Secretary to Government.

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TRIVANDRUM, 1981

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1981

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GOVERNMENT OF KERALA

Taxes (E) Department

ORDER

G. O. (P) No. 57/81/TD. *Dated, Trivandrum, 4th July 1981.*

S. R. O. No. 791/81.—In exercise of the powers conferred by clause (a) of subsection (1) of section 9 of the Kerala Stamp Act, 1959 (17 of 1959), the Government of Kerala, being of opinion that it is necessary in the public interest so to do, hereby remit the duty with which the sale deed in respect of an extent of 0.2025 hectare of land with building thereon, comprised in Sy. Nos. 1632/1, 1631 and 1632 of Chengazhasserry Village, in Trivandrum Taluk, in the Trivandrum District to be executed by Smt. L. Sethu Parvathy Bai Thankachy, Lekshmivilasom Bunglow, Kulathummal Village, in favour of the Police Club and Welfare Centre, Trivandrum, a society registered under the Travancore-Cochin Literary Scientific and Charitable Societies Registration Act, 1955 (XII of 1955), represented by the President thereof, is chargeable under the said Act.

By order of the Governor,
N. Krishnan Nair,
Special Secretary.

33/2364/81/J.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

The Inspector General of Police and the President of the Police Club and Welfare Centre, Trivandrum has informed Government in his letter No. C3-33588/80 dated 13-5-1981 that the Police Club and Welfare Centre which is a Society registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act 1955, proposes to purchase 50 cents of land with building thereon, comprised in Sy. Nos. 1632/1, 1631 and 1632 of Chengazhasserry Village in Trivandrum Taluk for a consideration of Rs. 5.5 lakhs for the Police Club and Welfare Centre. He has requested that the proposed sale deed may be exempted from payment of stamp duty. Government have considered the request and they propose to remit the stamp duty. The above notification is intended to achieve this object.

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